

REMARKS/ARGUMENTS

The claims are 38-39, 42-44, 47-53, 56-61, 63-64 and 66. Independent claim 38 has been amended to more clearly define the invention. Dependent claims 42 and 56 have been amended in response to the rejections under 35 U.S.C. § 112 second paragraph. Dependent claims 47 and 49 have been amended to more clearly define the invention in view of the amendments to claim 38 and dependent claim 53 has been amended to improve its form. Reconsideration is expressly requested.

Claims 42 and 56 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons set forth on page 2-3 of the Office Action. In response, Applicants have amended claim 42 to delete the recitation *"/door system"* and Applicants have amended claim 56 to delete the recitation of *"on the one hand"* and *"on the other hand"*.

In view of the foregoing amendments to claims 42 and 56, Applicants respectfully submit that the rejections under 35 U.S.C. 112, second paragraph are overcome and Applicants respectfully request that the rejections on that basis be withdrawn.

Claims 38 and 47-49 were rejected under 35 U.S.C. 102(b) as being anticipated by *Hönlinger U.S. Patent Application Publication No. 2002/0145308*. Claim 38 was rejected under 35 U.S.C. 102(b) as being anticipated by *Salari U.S. Patent No. 1,281,846*.

Claim 39 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Salari* in view of *Summers U.S. Patent No. 3,294,346*.

The remaining claims were rejected under 35 U.S.C. 103(a) as being unpatentable over *Hönlinger* alone (claim 43); *Hönlinger* in view of *Ladika et al. U.S. Patent No. 5,663,520* (claim 42); *Hönlinger* in view of *Miguel U.S. Patent No. 4,404,889* (claim 44); and *Hönlinger* in view of *Bottcher et al. Canadian Patent No. 2 402 753* (claims 50-52, 61, and 66); and *Hönlinger* and *Bottcher* in view of *Knoll et al. U.S. Patent No. 6,378,939* (claims 53, 57, 59, 60, and 63); *Hönlinger* and *Bottcher* in view of *Barecki U.S. Patent No. 3,630,566* (Claim 64); and *Hönlinger* and *Bottcher* in view of *Knoll et al.* and further in view of *Hoffman U.S. Patent No. 6,267,440* (claims 56 and 58).

The rejections are respectfully traversed.

As set forth in independent claim 38 as amended, Applicants' invention provides a modular shelter system, particularly for transport of persons and/or objects, including a container and a capsule-shaped housing disposed within the container. The housing is produced at least partially by means of winding technology and has a shape, at least on its underside, which guarantees the deflection of blast waves. A support frame is attached to an outside of the housing for accommodating the housing within the container. An accommodation system including a base element and one or more seats disposed above the base element is disposed within the housing. The accommodation system is mounted so that the accommodation system is uncoupled from a floor of the housing extending parallel to a ground surface.

Although the Examiner has taken the position that claim 38 is anticipated by either of *Hönlinger* or *Salari*, it is respectfully submitted that the Examiner's position is unfounded because neither *Hönlinger* nor *Salari* discloses or suggests a modular shelter system for transport of persons and/or objects having the structure as set forth in Applicants' amended claim 38 or which achieves the benefits associated with that structure.

In particular, as set forth in amended claim 38, Applicants' modular shelter system includes a container, a capsule-shaped housing disposed within the container and an accommodation system disposed within the housing. A support frame is attached to the outside of the housing for accommodating the housing within the container and the accommodation system is mounted so that it is uncoupled from the floor of the housing, which floor extends parallel to the ground.

Thus, Applicants' modular shelter system includes a housing in which an accommodation system having seats is provided, and a container, which may be, for example, a vehicle, in which the housing is accommodated. The accommodation system is therefore part of the modular shelter system. This is a fundamental difference as compared with the references cited by the Examiner.

Neither of the primary references to *Hönlinger* and *Salari* discloses or suggests a modular shelter system having a container, a capsule-shaped housing disposed in the container, a support frame attached to the outside of the housing for accommodating the housing within the container and an accommodation system disposed within the housing which is decoupled from the floor of the housing which extends parallel to the ground.

As set forth in Applicants' amended claim 38, the accommodation system is disposed within a housing, which housing is disposed within a container. The container as set forth in amended claim 38, may be, for example, part of a vehicle or a standard container which can be accommodated by a vehicle. The arrangement according to *Hönlinger* is not an accommodation system disposed within a housing, which housing is disposed within a container. Rather, in *Hönlinger* an accommodation system is provided directly in a container, which container is a vehicle.

Additionally, as set forth in Applicants' amended claim 38, the accommodation system is uncoupled from the floor of the housing, which floor extends parallel to the ground. It is respectfully submitted that the lower portion of compartment 11 in *Salari* is not a floor extending parallel to the ground. Additionally, even if, *arguendo*, *Salari* could be said to show a floor as claimed, the seats of *Salari* are not uncoupled from the floor, but rather are directly coupled to the compartment 11 via spring 19.

Moreover, as set forth in Applicants' amended claim 38, the housing is produced at least partially by means of winding technology. In *Hönlinger*, no information regarding the production

technology is provided. Likewise, *Salari* fails to disclose or suggest a housing as set forth in Applicants' amended claim 1, wherein the housing is produced at least partially by winding technology.

Amended claim 49 is dependent on claim 38 and further specifies that a space/interstice is present between the accommodation system that is uncoupled from the floor of the housing and the floor of the container. *Hönlinger* fails to disclose or suggest an arrangement wherein the accommodation system is uncoupled from both the floor of a housing in which the accommodation system is disposed and uncoupled from the floor of the container that surrounds the housing. Accordingly, it is respectfully submitted that claim 49 is patentable over *Hönlinger* for this additional reason as well.

Claim 39 is dependent on claim 38 and further specifies that the housing has an oval or hexagonal cross section in the vertical section and in a section that runs at a right angle to its longitudinal axis or a combination of contours having spherically curved regions and planar regions. This claim relates to the configuration of the housing in which the accommodation system is disposed wherein the mantle surface of the housing can be configured in many varied shapes.

The Examiner has cited the secondary reference to *Summers* as teaching a housing having an oval cross section. The defects and deficiencies of the primary references to *Hönlinger* and *Salari*, however, are nowhere remedied by *Summers*.

In particular, as set forth above with respect to *Hönlinger* and *Salari*, *Summers* also fails to disclose or suggest an accommodation system disposed within a housing, wherein the accommodation system is uncoupled from the floor of the housing and the housing is disposed within a container.

In *Summers*, a capsule 11 that accommodates a person is attached in the frame construction of an aircraft, above a front (43) and rear (45) support. The front connection represents a releasable securing mechanism and the rear connection represents a movable securing mechanism for the capsule within the frame construction. Thus, *Summers* provides an accommodation system outside of the capsule, which can be uncoupled from the floor in the event of a crash. In particular, the capsule of *Summers* breaks free from the accommodation system on impact or collision of the aircraft (See col. 3, lines 63-64). Within the capsule of

Summers, there are only different layers of material for protecting the person therein.

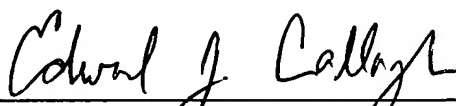
Accordingly, the arrangement of *Summers* is in direct contrast to Applicants' modular shelter system as set forth in amended claim 38, wherein the accommodation system is disposed within a housing and is uncoupled from a floor of the housing.

The remaining secondary references to *Ladika et al.*, *Miguel*, *Bottcher et al.*, *Knoll et al.*, *Barecki* and *Hoffman* have been considered but are believed to be no more relevant.

In view of the foregoing, it is respectfully submitted that independent claim 38 as amended, as well as dependent claims 39, 42-44, 47-53, 56-61, 63-64 and 66 which depend directly or ultimately from claim 38, are patentable over the cited references, whether considered alone or in combination.

In summary, claims 38, 42, 47, 49, 53, and 56 have been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,
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